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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 09/887,154 | 06/25/2001 | Frank Emanuel | Q64820 | 7751 |
| 7590 | 08/02/2005 | | EXAMINER | |
| DAVID J. CUSHING SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037 | | | | KADING, JOSHUA A |
| | | ART UNIT | | PAPER NUMBER |
| | | 2661 | | |

DATE MAILED: 08/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|----------------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/887,154 | EMANUEL ET AL. | |
| | Examiner Joshua Kading | Art Unit 2661 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 May 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 25 June 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>6/25/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,654,363 B1, Li et al. (Li).

Regarding claim 1, Li discloses, "an addressing scheme intended to be used in an P-based Radio Access Network, said Radio Access Network comprising; a plurality of base stations (*col. 1, lines 48-51 and 66 where the various networks correspond to a plurality of base stations as described in line 66*); at least one base station controllers, wherein said plurality of base stations and said at least one base station controller all communicate with each other by using one of TCP/IP-based protocol stack and a UDP/IP-based protocol stack (*col. 3, lines 9-11 show the use of TCP and UDP; col. 4, lines 56-63 where the base station has a controller that manages and operates the communicate from/to said base station*); and a plurality of radio terminals (*col. 1, line 55 and col. 2, lines 8-14 where line 55 of col. 1 clearly indicates a plurality of users each with their own terminal*);

wherein each of said base stations is adapted to communicate with the plurality of radio terminals having access to said Radio Access Network over at least two different types of radio channels (*col. 12, lines 53-58 where the different types of channels S1, S2, etc are communicated to the Radio Access Network*),

wherein in said addressing scheme, the type of radio channel over which said base station communicates with one of said radio terminals is implicitly and univocally determined by a port number identified in each TCP or UDP data packet exchanged over said Radio Access Network and belonging to a communication with said radio terminal (*col. 7, lines 57-61*)."

Regarding claims 6 and 8, Li discloses, "a Radio Network Controller to be part of an IP-based Radio Access Network and communicating with other elements of said Radio Access Network by using an IP-based protocol stack, comprising:
the Radio Network Controller (*figure 1, element 19*);
a radio terminal (*figure 1, element 11*);
wherein said Radio Network Controller receives from outside of the Radio Access Network data belonging to a communication with the radio terminal (*figure 3, element 78*),

wherein said radio terminal is accessible over at least two different types of radio channels (*figure 8, element 34*),

wherein said Radio Network Controller comprises:

a channel type selector to determine, according to said data belonging to said communication, the channel type on which a part of said data belonging to said communication have to be transmitted to said radio terminal (*figure 8, element 32*),

wherein said channel type selector determines univocally, according to said channel type, a port number to be identified in each TCP or UDP data packet exchanged over said Radio Access Network and belonging to said communication with said radio terminal (*col. 12, lines 53-58 where the different types of channels S1, S2, etc are communicated to the Radio Access Network, and col. 7, lines 57-61*)."

Regarding claim 2, Li discloses, "wherein in each of said radio channel types is associated to at least one of said port numbers available at a base station or at a base station controller of said Radio Access Networks (*col. 7, lines 57-61 where each QoS is identified and classified in a unique way based on various port number addresses*)."

Regarding claims 3 and 4, Li discloses, "wherein said P-based protocol stack used in said P-based Radio Access Network comprises UDP/IP combination, the UDP destination/source port number in said UDP header determining univocally said radio channel type (*col. 7, lines 19-22 which is similar to that described in col. 7, lines 57-61*)."

Regarding claim 5, Li discloses, "wherein parameters of a communication with said radio terminal are defined by an IP address, a UDP destination port number, and a

Art Unit: 2661

communication identifier contained in the different layers of said IP-based protocol stack used in said Radio Access Network (*col. 7, lines 19-22 and 57-61*)."

Regarding claim 7, Li discloses, "wherein said channel selector further selects the port number to be used in said IP-based protocol stack to forward data to said Radio Access Network depending on the channel type on which said data are received from one of said radio terminals (*col. 7, lines 19-22 and 57-61 in combination with col. 12, lines 53-58 where the different types of channels S1, S2, etc correspond to the various QoS ports*)."

Regarding claim 9, Li discloses, "a plurality of port numbers wherein the plurality of port numbers are divided into groups of port numbers, each group being exclusively used for processing data to be transmitted or received over a predefined type of radio channel (*col. 12, lines 52-58*)."

Regarding claim 10, Li discloses, "wherein said plurality of port numbers are stored in a memory or a database which is accessible by the plurality of base stations and the at least one base station controller (*figure 3, element 52*)."

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2661

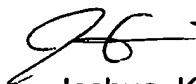
§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua Kading whose telephone number is (571) 272-3070. The examiner can normally be reached on M-F: 8:30AM-5PM.

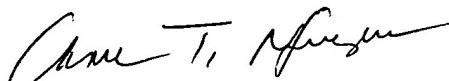
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on (571) 272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Joshua Kading
Examiner
Art Unit 2661

July 28, 2005



CHAU NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600